

TOWNSEND and TOWNSEND and CREW LLP

By: /Therese M. Fuentes/
Therese M. Fuentes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David K. Swanson

Application No.: 10/727,144

Filed: December 2, 2003

For: CLAMP BASED METHODS
AND APPARATUS FOR FORMING
LESIONS IN TISSUE AND
CONFIRMING WHETHER A
THERAPEUTIC LESION HAS BEEN
FORMED

Customer No.: 20350

Confirmation No.: 5308

Examiner: Aaron F. Roane

Art Unit: 3769

**PAYMENT OF FEE DEFICIENCY
PURSUANT TO 37 C.F.R. § 1.28(c)
CHANGE IN ENTITY STATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request authorization to pay supplementary fees and consideration of the remarks set forth below under 37 C.F.R. §1.28(c).

Small entity status was claimed and small entity fees were paid in good faith in the above application. However, it was later discovered that such status as a small entity was established in error due to licensing activities. Applicants submit supplemental payments for all fees previously paid at the small entity rate.

Accordingly, Applicants withdraw the claim for small entity status and request the status be changed from small entity status to large entity status (MPEP 509.03). Applicants also submit supplemental large entity fees as follows.

Date	Payment	Small Entity Amount Paid	Current Large Entity Amount	Deficiency
05/18/2010	Request for Continued Examination	\$405	\$810	\$405
05/18/2010	3 month Extension of Time	\$555	\$1110	\$555
Total				\$960

The Assistant Commissioner for Patents is hereby authorized to charge the fee of \$960 to Deposit Account No. 20-1430. This amount is believed sufficient to make up the deficiency between the amount of the fees paid and the amount of fees that would be due at the large entity rate. Please credit any overpayment to the same account. If any additional fees are due, please charge to the same deposit account.

Respectfully submitted,

Date: August 19, 2010

/Nathan S. Cassell/
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